

UNITED STATES OF AMERICA  
IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

Case #1:07-CR-94

-vs-

Hon. Robert J. Jonker

DANIEL DOYLE BENHAM,

Defendant.

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Donald A. Davis UNITED STATES ATTORNEY'S OFFICE Attorney for Plaintiff P.O. Box 208 Grand Rapids, MI 49503 (616) 456-2404	John M. Karafa (P36007) MCCROSKEY LAW Attorney for Defendant 1440 Peck Street, P.O. Box 27 Muskegon, MI 49443 (231) 726-4861
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**DEFENDANT'S PROPOSED VOIR DIRE**

Now comes Defendant, Daniel Doyle Benham by his attorney John M. Karafa, respectfully request that this Honorable Court pose the following questions on voir dire of the prospective jurors in this case:

A. Background:

1. Name:
2. Age:
3. Educational Background:
4. Has anyone ever worked for the state of federal government (including IRS) or any bank or credit union? If so, please explain.

5. Place and address of residence:
6. Housing Arrangements (Do you own, rent, or live with others?):
7. Employment for the past several years:
8. Civil, fraternal, or community organizations:
9. Marital Status:
10. Spouse's Employment:
11. Children:
12. Ages:

B. Prior Jury Experience:

1. Has anyone ever served as a juror?
2. If so, in what court and year?
3. Was it a criminal matter?
4. Did you reach a verdict?
5. What was your verdict?

C. Prior Court Experience:

1. Has anyone ever been a party in any court proceeding?
2. If so, please describe the experience.
3. Has anyone ever been a witness in any court proceeding?
4. If so, please describe the experience.
5. Has anyone in your family ever been charged with a crime?
6. What was the outcome of the charge?
7. Have any of your friends ever been charged with a crime?

8. What was the outcome of the charge?

D. Experience With Law Enforcement:

1. Does anyone in your family work in law enforcement? If so, please explain.
2. Does anyone have close friends who work in law enforcement? If so, please explain.

E. Legal Training:

1. Has anyone ever had any formal or informal legal training?
2. Is anyone in your family an attorney?
3. Does anyone have any close friends who are attorneys?

F. Exposure to Crime:

1. Has anyone ever been the victim of a crime? If so, please describe that experience.
2. Has anyone in your family ever been the victim of a crime? If so, please describe his or her experience.
3. Does anyone have close friends who have been victims of crime? If so, please describe his or her experience.

G. Specific Knowledge:

1. Does anyone have any independent knowledge of this case?
2. Does anyone know any of the defendants or the attorneys?

H. Jury Functions:

1. At the conclusion of this case, the Court will instruct you as to the legal principles that you must follow in reaching a verdict. Can you follow

those instructions without substituting your opinion as to what the law is, or what it should be?

2. A person charged with a crime is presumed innocent until proven guilty beyond a reasonable doubt. Can you accept and apply this presumption of innocence?
3. A defendant has an absolute right not to testify at this own trial. Will you hold it against a defendant if he chooses not to testify?
4. Do you have any religious, philosophical, or personal reasons that might prevent you from judging another person's behavior?

I. Physical Restrictions:

1. Does anyone have any vision or hearing problems that may make it difficult for you to serve as a juror?
2. Does anyone have any other health or medical problems that may make it difficult for you to serve as a juror?

J. IRS Information:

1. Is there anyone who's ever had a problem or dispute with the Internal Revenue Service which might cause them some discomfort or anxiety in sitting on this jury?
2. Is there anyone who's ever been audited by the IRS?
3. Is there anyone who's ever had to appear in the United States Tax Court or Tribunal with respect to a filed return or a failure to file a tax return?
4. Has anyone ever been employed with the IRS?

5. Has anyone ever prepared a return on behalf of someone else?
6. Has anyone ever studied or reviewed the tax law or IRS Tax Code?
7. Is there anyone who is concerned that they might be unable to render a fair and impartial verdict based upon the evidence for fear of possible retribution (i.e. Tax Audit) by the IRS?

Respectfully Submitted,  
MCCROSKEY LAW

Dated: September 22, 2008

/s/ John M. Karafa  
John M. Karafa  
Attorney for Defendant